

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID S. KIRMSSE,

Plaintiff,

v.

Case No. 06-CV-690

TOWN OF BLOOMFIELD,

Defendants.

v.

EMPLOYERS INSURANCE COMPANY
OF WAUSAU and WAUSAU UNDERWRITERS
INSURANCE COMPANY,

Intervenor Defendant.

ORDER

On June 11, 2007, this court entered a Scheduling Order following a telephone conference with the parties. The Scheduling Order provides that the matter be referred to the Hon. William E. Callahan, Jr., for settlement proceedings and further states that if the parties are unable to settle the matter through mediation, dispositive pretrial motions, together with briefs, in accordance with Civil L.R. 56.2, shall be filed no later than **three weeks after the mediation**. The matter is now set for mediation on August 9, 2007.

On June 15, 2007, counsel for the Intervenor Defendant filed a motion for summary judgment and supporting brief on its cross-claim for declaratory relief. Even though the motion raises the discrete issue of insurance coverage, it is premature.

NOW THEREFORE, IT IS ORDERED that the Intervenor Defendant's motion for summary judgment is DENIED without prejudice in accordance with this court's Scheduling Order dated June 11, 2007.

Dated at Milwaukee, Wisconsin, this 25th day of June, 2007.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge